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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jessica Woods Clark, Reed Dravigne
Assignee: Dell Products L.P.
Title: System and Method for Automated Unpacking
Serial No.: 10/673,126 Filing Date: September 26, 2003
Examiner: Christopher R. Harmon Group Art Unit: 3721
Docket No.: DC-05829 Customer No.: 33438

Austin, Texas
July 28, 2005

Mail Stop Appeal Brief - Patents
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 CFR § 41.37

Dear Sir:

Applicant submits this Appeal Brief pursuant to the Notice of Appeal filed in this case on July 7, 2005. A check is enclosed which includes the \$500.00 fee for this Appeal Brief. The Board is also authorized to deduct any other amounts required for this appeal brief and to credit any amounts overpaid to Deposit Account. No. 502264.

I. REAL PARTY IN INTEREST - 37 CFR § 41.37(c)(1)(i)

The real party in interest is the assignee, Dell Products L.P., as named in the caption above and as evidenced by the assignment set forth at Reel 014552, Frame 0076.

II. RELATED APPEALS AND INTERFERENCES - 37 CFR § 41.37(c)(1)(ii)

Based on information and belief, there are no appeals or interferences that could directly affect or be directly affected by or have a bearing on the decision by the Board of Patent Appeals and Interferences in the pending appeal.

III. STATUS OF CLAIMS - 37 CFR § 41.37(c)(1)(iii)

Claims 1 - 7 are pending in the application. Claims 1 - 7 stand rejected. The rejection of claims 1 - 7 is appealed. Appendix "A" contains the full set of pending claims.

IV. STATUS OF AMENDMENTS - 37 CFR § 41.37(c)(1)(iv)

No amendments after final have been requested or entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER - 37 CFR § 41.37(c)(1)(v)

Information handling system components are often manually packaged in partitioned containers for shipping to an assembly location (2:3-11). Robotic arms remove the components for integration into an automated manufacture process (2:15-18). A protective plastic wrap for each partition protects components against contaminants, however, tends to be drawn from the partition during removal of the component (2:19-29). To reduce the risk of inadvertent removal of the protective bag, opposing extensions associated with the upper portion of the protective bag couple to partition slots and at least one opening associated with the lower portion of the protective bag passes air to aid in retention of the protective bag in the partition during extraction of the component (3:11-14; Figure 1). Retention of the protective bag in a partition without an adhesive improves recycling of packaging material (4:10-14).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL - 37 CFR § 41.37(c)(1)(vi)

Claims 1 and 3 stand rejected as anticipated by U.S. Patent No. 6,158,590 issued to Fujikawa and by U.S. Patent No. 2,801,002 issued to Volckening. Applicants respectfully traverse and request reversal of the Examiner's rejections and full allowance of all pending claims.

VII. ARGUMENT - 37 CFR § 41.37(c)(1)(vii)

Claims 1 and 3 stand rejected as anticipated by U.S. Patent No. 6,158,590 issued to Fujikawa and by U.S. Patent No. 2,801,002 issued to Volckening. Both Fujikawa and Volckening disclose components packaged in sealed protective wrap that does not have any

opening when packaged in a partition. Nonetheless, the Examiner maintains the rejections by stating “that while an opening to a pocket of a bag/envelope etc is in the open or unsealed position, the opening is operable to pass air” (Office Action, May 16, 2005). The Examiner reasons “Applicant seems to be arguing that the opening of the bag needs to be open while in the partition. Nothing in the claim language requires this structure” (Advisory Action, June 13, 2005). Applicants respectfully disagree.

Claim 1 recites a container having plural partitions and a protective bag for each partition, wherein the protective bag has “at least one opening associated with the lower portion operable to pass air.” Neither Fujikawa nor Volckening can anticipate this limitation since the bags of both Fujikawa and Volckening are sealed for shipment and remain sealed from before the insertion of a component in a partition until after removal of the component from a partition. Thus, neither Fujikawa nor Volckening discloses all elements literally recited by Claim 1. For instance, Claim 1 clearly recites that a protective bag “for each partition” has an opening associated with a “lower portion” of the protective bag. Claim 1 clearly requires that the opening be operable to pass air within the partition, as is further required by the recitation that the opening aids “retention of a protective bag in a partition during extraction of a component from the partition.” The Examiner cannot meet the limitation that the protective bag “has” an opening with art that “used to have” an opening. In addition, the opening recited by Claim 1 in the lower portion of the protective bag is clearly differentiated from an opening in the upper portion. Claim 3, which depends from Claim 1, recites “an opening in the upper portion sized for extraction” of a component. The Examiner has failed to show two such distinct openings in either Fujikawa or Volckening since the Examiner has relied upon the opening in the upper portion of the bags of Fujikawa and Volckening to anticipate the recited opening in the lower portion of the protective bag. Thus, dependent Claim 3 illustrates the allowability of independent Claim 1. Further, should the Board affirm the Examiner’s rejection of Claim 1, Claim 3 is nonetheless allowable. Accordingly, Applicants respectfully request that the Board reverse the rejection of Claim 1 and Claims 2-7 that depend from Claim 1. Alternatively, Applicants respectfully request that the Board reverse the rejection of Claim 3.

VIII. CLAIMS APPENDIX - 37 CFR § 41.37(c)(1)(viii)

A copy of the pending claims involved in the appeal is attached as Appendix A.

IX. EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)

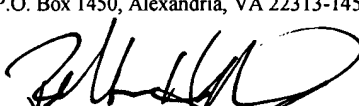
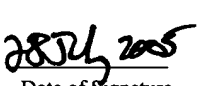
No evidence appendix is filed.

X. RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)


There are no related proceedings.

XI. CONCLUSION

For the reasons set forth above, Applicants respectfully submit that Claims 1 - 7 are fully allowable. Accordingly, Applicants respectfully submit that rejection of pending Claims 1 - 7 is unfounded, and request that the rejection of Claims 1 - 7 be reversed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Appeal Brief – Patents, Board of Patent Appeals and Interferences, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on July 28, 2005.	
	
Attorney for Applicant	Date of Signature

Respectfully submitted,


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APPENDIX A

1. An information handling system bulk component package comprising:
a container having plural partitions, each partition sized to accept a component and
having opposing slots; and
a protective bag for each partition, each protective bag having an upper and lower portion
and sized to encase a component in a partition;
wherein each protective bag has opposing extensions associated with the upper portion
operable to couple to the partition slots and at least one opening associated with
the lower portion operable to pass air, the extensions and opening aiding retention
of a protective bag in a partition during extraction of a component from the
partition.
2. The information handling system bulk component package of Claim 1 further
comprising an information handling system chassis packaged in each partition.
3. The information handling system bulk component package of Claim 2 wherein
the protective bag has an opening in the upper portion sized for extraction of the chassis from the
protective bag by a robotic arm.
4. The information handling system bulk component package of Claim 1 wherein
the protective bag couples to the slots by slipping an extension of the protective bag in each of
the slots.
5. The information handling system bulk component package of Claim 1 wherein
the protective bag comprises a die-cut polyethylene bag.
6. The information handling system bulk component package of Claim 5 wherein
the extensions comprise die-cut rectangular blocks extending from the upper portion of the bag.
7. The information handling system bulk component package of Claim 5 wherein
the openings comprise opposing triangular cut openings at the lower portion of the bag.